

8/30/06

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

3:06-cr-00135-12-24

UNITED STATES OF AMERICA : Case No. 3:06CR135
:
v. :
:
:
ANGELA D. NELMS : PLEA AGREEMENT

- - - - -

It is hereby agreed between **ANGELA D. NELMS**, individually and through her attorney, Thomas Anderson, and the United States, by counsel, as follows:

1. **ANGELA D. NELMS** will enter a plea of guilty to Count 1 of an Indictment filed herein on August 8, 2006 charging her with false, fictitious or fraudulent claims, in violation of 18 U.S.C. § 287. Count 1 carries a maximum penalty of up to 5 years imprisonment, a fine of \$250,000, and up to a three-year term of supervised release. Once said guilty plea is entered, and it is ultimately accepted, the United States Attorney for the Southern District of Ohio agrees not to charge defendant with other offenses that are part of the same scheme, which occurred in the Southern District of Ohio and which would be violations of 18 U.S.C. § 287 or related charges during this period.

2. At the time the defendant enters her plea of guilty she will acknowledge the truth of the attached Statement of Facts.

3. The defendant understands that the Probation Department will conduct a pre-sentence investigation and will recommend to the Court an advisory sentencing guideline range. The defendant understands that the Probation Department's recommendations are not binding on the Court and the terms of this Plea Agreement are not binding upon the Court or Probation Department. The defendant understands that if the Court does not follow the recommendations contained in this plea agreement she does not have the right to withdraw her plea of guilty.

4. The United States Attorney for the Southern District of Ohio recommends to the Court that as of the time of the execution of this Plea Agreement the defendant has accepted full responsibility for the offense to which she has agreed to plead guilty. If the defendant continues to accept responsibility through the time of the sentencing, and if applicable, the Government will file a motion pursuant to U.S.S.G. § 3E1.1(b) stating to the District Court that the defendant has timely notified authorities of her intention to plead guilty. If the Court does not accept the recommendations contained in this paragraph, the defendant understands that she will not be allowed to withdraw her guilty plea.


5. The defendant **ANGELA D. NELMS** understands that the matter of sentencing is reserved solely to the District Court. No promises or representations have been made to the defendant as to what sentence the Court will impose. The defendant understands that the Sentencing Guidelines are merely advisory. The defendant understands that there is no agreement concerning her ultimate sentence. The defendant could receive the maximum penalty provided by law.

6. RESTITUTION. Pursuant to 18 U.S.C. 3663(a)(3), and as a condition of this plea agreement **ANGELA D. NELMS** agrees to make complete and full restitution in the amount of approximately \$2,994 to the victims of her fraudulent activity. Furthermore, the defendant acknowledges and understands that she will not be permitted to withdraw her guilty plea if she disagrees with the amount of restitution ultimately ordered by the Court.


7. Prior to or at the time of sentencing, the defendant will pay to the United States Clerk of Courts, a special assessment in the amount of \$100.00 as required by Title 18, United States Code, Section 3013.

8. This is the entire plea agreement. There are no other provisions or understandings. The attached Statement of Facts is hereby incorporated herein.

DATE 9-14-06.



ANGELA D. NELMS
Defendant

DATE 9/14/06


THOMAS ANDERSON, ESQ.
Attorney for Defendant

GREGORY G. LOCKHART
United States Attorney

DATE 8-30-06


MARGARET M. QUINN
Assistant U.S. Attorney

9/14/06

STATEMENT OF FACTS

ANGELA D. NELMS

On approximately April 22, 2005 a Department of Treasury check, number 2306-91654453, in the amount of \$2,994 - was issued to **ANGELA D. NELMS**, in payment of a tax refund. On April 27, 2005, **NELMS** cashed this check at the Ace Cash Express located at 5230 N. Dixie Drive, Harrison Township, Ohio. On July 20, 2005, **NELMS** completed and signed Department of the Treasury Financial Management Service Form 1133, entitled "Claim Against the United States for the Proceeds of a Government Check." On that form **NELMS** falsely responded "No" to six separate and specific questions concerning her receipt, endorsement and cashing of the Treasury check and whether she had received any money from the check. When she responded "No" to these questions, **NELMS** knew full well that in fact she had received and endorsed the Treasury check, cashed the check, and received the monetary benefit from the check.

NELMS signed the claim form and caused it to be submitted to the Department of the Treasury as a claim against the United States.